



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Mark Justin Moore

Serial Number: 10/642,309

Filed: August 18, 2003

Title: OPERATING SYSTEM FOR
EXECUTING COMPUTER
SOFTWARE APPLICATIONS

Art Unit: Unassigned

Confirmation No.: 1974

Examiner: Unassigned

Customer No.: 21967

Attorney Docket No.: 56162.000416

**PETITION AND
RESPONSE TO
NOTICE TO FILE
MISSING
PARTS OF
NONPROVISIONAL
APPLICATION**

MAIL STOP MISSING PARTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Notice to File Missing Parts mailed June 18, 2004, Applicant encloses a supplemental declaration and one sheet of drawing figures illustrating Figs. 9-10. After reviewing the application as filed, Applicant has discovered that sheet 5 of the drawing figures, including Figs. 9-10, was unintentionally omitted at the time of filing. However, Applicant submits that because Figs. 9-10 merely illustrate subject matter already described in the specification that the omission of these Figures from the originally filed application should not effect the August 18, 2003 filing date accorded that application, nor its priority date of August 16, 2002. The facts are as follows:

1. A provisional application was filed on August 16, 2002. That application was assigned application number 60/403,660.

2. The instant application was filed non-provisionally on August 18, 2003, claiming priority to the above mentioned provisional application. The instant application has been assigned application number 10/642,309. This non-provisional application did not include a declaration and omitted drawing Figs. 9-10.

3. A Notice to File Missing Parts was mailed on June 18, 2004 which indicated that a properly executed declaration and Figs. 9-10 were not deposited in the Patent Office with the non-provisional application papers.

4. The subject matter of Figs. 9-10 was described in the non-provisional specification at page 21, lines 1-20. Therefore, submission of Figs. 9-10 does not introduce any new subject matter that would effect the filing date accorded this application.

5. The non-provisional application 60/403,660, upon which this application claims priority included Figs. 9-10, labeled as Figs. 8-9. Thus, the information illustrated in the Figs. was already included in the file by virtue of this application's claim of priority to the earlier filed provisional application.

In view of the foregoing, Applicant respectfully requests that the Office of Initial Patent Examination accept the surcharge for late filing of the properly executed declaration and enter the declaration and Figs. 9-10 into the application file without altering the August 18, 2003 filing date accorded this application.

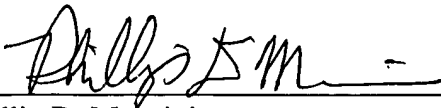
We are enclosing a check in payment for the following fees:

Late filing of Declaration	\$130.00
Petition Fee	\$130.00
TOTAL	\$260.00

In the event any variance exists between the amount enclosed and the PTO charges,
please also charge or credit any difference to Deposit Account No. 50-0206.

Respectfully submitted,

Dated: August 18, 2004

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